

03/05/2013

DOC # 105



United States District Court  
Southern District of New York x  
United States of America.

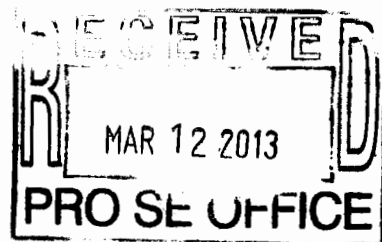
- v -

Indictment

10 Cr 553 (SHS)

Mondher Bejaoui  
defendant. x

Defendant's Application to relieve court-  
appointed counsel.



MONDHER BEJAOUJ  
Defendant.

03/05/2013

The defendant hereby moves, for an order relieving defense attorney Joshua L. Dratel, esq due to total lack of communication and professional misconduct on the part of Mr. Dratel that preventing defendant from adequate defense.

Background:

On 10/19/2012 Mr. Dratel made unauthorized request to the Court to withdraw defendant's suppression hearing that the Court scheduled for 01/03/2011 but the hearing never took place.

On 11/27/2012 the defendant was permitted by a court order to represent himself.

from 11/27/2012 to 01/16/2013 Mr. Dratel made numerous effort to denigrate and hijack defendant's self representation. During Mr. Dratel's visit to the defendant in jail, he intentionally

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placed the defendant under undue influence by coercing him to plea guilty claiming that the government has overwhelming evidence to convict the defendant, and when the defendant shows resistant

Mr. Dratel will try to relinquish the defendant selfrepresentation by reminding the defendant that he is not a lawyer and he will fail

Mr. Dratel as stand-by-counsel made numerous unauthorized communications with the court in disregard of an existing obligation to disclose his drafting of pleading to the defendant before filing - despite defendant warning Mr. Dratel continues to ghostwriting and gain unauthorized control of defendant's defense.

Because the defendant objected to sign stipulation with the prosecution that contained numerous falsehoods to eliminate the need for custodians of record, Mr. Dratel retaliate and disclose content of defendant's 01/08/2013 ex parte discussions with the court, this disclosure damaged the defendant defense because the government added four additional witnesses to

to fabricate testimony to strengthen the weakness of their case that the defendant exposed at the 01/08/2013 ex parte conference with the Court.

Mr. Dratel repeated the same misconduct and disclosed content of defendant's ex parte discussion of 01/16/2013.

Lindsay A. Lewis, esq an associate of Mr. Dratel successfully persuaded defendant's wife to not co-sign the bond for her husband and allow the defendant to prepare for trial - for example Ms. Lewis lied to Ms. Bejaoui by telling her that her husband has immigration detainer and in light of the detainer he will likely do not appear in court. this is not true because the defendant has no immigration detainer -

during the time the defendant was representing himself he received visits in jail from Mr. Dratel and Ms. Lewis, the objective of this visits was to convince the defendant to enter

a guilty plea or to relinquish his selfrepresentation, once they achieved this goal on 01/16/2013, the defendant never received visits or communication from defense counsel ever since.

Prior to 01/16/2013 court order to revoke defendant's self representation, the defendant made successful requests to subpoena ~~by~~ witnesses and relevant documents to help him prepare for trial. when Mr. Drabet regain control of defendant's case, he failed to interview witnesses, examine documents or investigate the government misconduct in regard to the falsehoods surrounding the filing of the indictment - Mr. Drabet is taking advantage of defendant's lengthy pretrial detention that rendered his representation less than meaningful - And their relationship had substantially broken down.

### Conclusion.

for all the reasons setforth, the court should grant

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defendant's application and issue an order to relieve defense counsel due to complete breakdown of communication.

Dated: Brooklyn, NY

March 05, 2013

Respectfully submitted,

+ Mondher Bejaoui

Mondher Bejaoui

Certificate of Service

I, Mondher Bejaoui, the defendant, hereby certify that on March 05, 2013 I caused a copy of the attached defendant's Application to relieve his court-appointed attorney to be sent via United States Postal Services to:

- 1- Clerk of U.S District Court  
Southern District of New York.
- 2- Rachel P. Kovner (AUSA)

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. section 1746

Dated: Brooklyn, NY

March 05, 2013

Mondher Bejaoui  
MONDHER BEJAOU

Monther Bejjani

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